

**Notes to reader:**

1. Except as discussed in note 2, proposed new text that amends an existing regulation is **bolded and underlined**.
2. If the lead-in line states that a new section, subsection, paragraph, subparagraph, or clause is being added, or that an existing section, subsection, etc. is being repealed and readopted (replaced), the new (or replaced) text is not bolded or underlined.
3. [ALL-CAPS TEXT WITHIN BRACKETS] indicates text that is proposed to be deleted.
4. When the word “including” is used, Alaska Statutes provide that it means “including, but not limited to.”

11 AAC 05.010(e) is amended by adding a new paragraph to read:

(23) non-refundable fees for a permit to use or occupy the *Kenny and Patti Barber Shooting Range*, depicted on the map entitled *Kenny and Patti Barber Shooting Range*, and adopted by reference in 11 AAC 96.016(b)(5) are set by a written order of the director of the Division of Mining, Land and Water; the order will

(A) be posted

(i) continuously from the date of issuance of the order on the Division of Mining, Land and Water’s public webpage, and

(ii) on the Alaska Online Public Notice System for 30 continuous days from the date of issuance of the order, and

(iii) at one or more conspicuous locations at the shooting range; and

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(B) establish fees, payable in advance and not exceeding the following amounts, for a person to use or occupy the shooting range:

(i) application for a revocable personal use or occupancy permit, no charge;

(ii) application for a revocable commercial use or occupancy permit, \$100;

(iii) application for a revocable non-commercial organized group use or occupancy permit, \$100;

(iv) personal use or occupancy permit, each person, per calendar day, \$25;

(v) personal use or occupancy permit pass, each person, per calendar year, \$250;

(vi) personal use or occupancy permit, each non-commercial organized group, per calendar day, \$250;

(vii) commercial use or occupancy permit, each calendar day \$500;

(viii) state, federal or local agency use or occupancy permit, each calendar day \$250.

(Eff. 1/1/86, Register 96; am 8/10/86, Register 99; am 9/28/86, Register 99; am 8/23/87, Register 103; am 1/28/88, Register 105; am 7/1/89, Register 110; addt'l am 7/1/89, Register 110; am 8/16/89, Register 111; am 12/9/89, Register 112; am 1/17/90, Register 113; am 3/16/91, Register 117; am 12/25/91, Register 120; am 5/14/92, Register 122; am 9/16/92, Register 123; am 4/18/93,

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Register 126; am 5/5/93, Register 126; am 10/1/94, Register 131; am 12/13/95, Register 136; am 2/16/96, Register 137; am 5/24/96, Register 138; am 5/18/97, Register 142; am 2/21/98, Register 145; am 7/29/98, Register 147; am 8/26/98, Register 147; am 9/10/98, Register 147; am 1/29/99, Register 149; am 5/9/99, Register 150; am 2/9/2001, Register 157; am 5/3/2001, Register 158; am 8/23/2001, Register 159; am 10/27/2002, Register 164; am 11/13/2002, Register 164; am 12/7/2002, Register 164; am 1/14/2004, Register 169; am 10/2/2004, Register 171; am 1/16/2005, Register 173; am 9/10/2005, Register 175; am 2/15/2006, Register 177; am 3/13/2006, Register 177; am 11/22/2006, Register 180; am 8/31/2008, Register 187; am 12/14/2008, Register 188; am 8/19/2009, Register 191; am 12/5/2009, Register 192; am 8/29/2013, Register 207; am \_\_/\_\_/\_\_\_\_, Register \_\_)

<b>Authority:</b>	AS 27.21.030	<u><b>AS 38.05.560</b></u>	AS 40.25.110
	AS 27.21.940	<u><b>AS 38.05.565</b></u>	AS 41.06.020
	AS 38.04.045	AS 38.05.600	AS 41.21.020
	AS 38.04.900	AS 38.05.850	AS 41.21.026
	AS 38.05.020	AS 38.08.110	AS 41.23.440
	AS 38.05.035	AS 38.09.020	AS 44.37.020
	AS 38.05.057	AS 38.09.110	AS 44.37.025
	AS 38.05.082	AS 38.35.020	AS 44.37.027
	AS 38.05.177	AS 38.35.050	AS 45.29.525
	AS 38.05.180	AS 38.50.160	AS 45.50.315

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AS 38.05.255 AS 38.95.240 AS 46.15.020

AS 38.05.295 AS 40.15.370 AS 46.15.035

**AS 38.05.550** AS 40.17.030 AS 46.15.037

**AS 38.05.555**

11 AAC 96.016(b) is amended to read:

(b) Within areas designated under AS 41.23 as public use areas,

• • •

(3) unless otherwise prohibited in (c) of this section, the land uses and activities listed in 11 AAC 96.020, alone or in combination, are generally allowed uses without any permit or other written authorization from the department, except that a land use or activity for a commercial recreation purpose requires prior registration under 11 AAC 96.018; [AND]

(4) a person may not engage in the commercial harvest of non-timber forest products without a permit under 11 AAC 96.035; **and**

(5) a permit or other written authorization is required for the use or occupancy of **the Kenny and Patti Barber Shooting Range, as depicted on the map entitled Kenny and Patti Barber Shooting Range, dated July 19, 2016, and, adopted by reference; within the Kenny and Patti Barber Shooting Range**

**(A) the rules and conditions for use of the shooting range will include the rules specified in 11 AAC 96.016(c)(20) and be conspicuously posted at the shooting range and upon the Division of Mining, Land and Water's public web page**

for the protection and safety of the general public and to further the purposes for which the shooting range was established.;

(B) the department, may deny a permit or revoke a person's permit to use, occupy or access the shooting range upon failure to comply with rules or conditions for use. The rules and conditions posted at the shooting range and on the Division of Mining, Land and Water's public web page may include restrictions on firearm use or ammunition type, magazine capacity, and other conditions as the department considers advisable; and

(C) use of the shooting range for commercial purposes or by organized group in excess of 50 people requires a commercial use permit under 11 AAC 96.010.

(D) The department may negotiate a non-competitive permit for the commercial use of the shooting range if the department finds that

(i) there is a need to limit the number of commercial use permits to protect public use of the shooting area, or to protect shooting area resources;

(ii) there is a need to prevent one business or person from monopolizing commercial activities within the shooting range or portion of the shooting range;

(iii) without limitation of the number of permits there would likely be a degradation of quality of the recreational experience in the shooting range; or

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**(iv) the demand for the commercial use of the shooting range exceeds the capacity of the shooting range;**

**(E) the term of a commercial use permit issued under this (D) of this paragraph shall not exceed 30 consecutive days, and is revocable at will by the department; the department may limit the number of competitive commercial use permits a person may hold; a permit may not be assigned without the written consent of the department.**

11 AAC 96.016(c) is amended to read:

(c) Within the Knik River Public Use Area described in AS 41.23.230, **without prior written authorization from the department,**

• • •

(3) a person may not

**(A)** operate a vehicle in excess of 10,000 pounds curb weight[ FOR PRIVATE OR COMMERCIAL ACTIVITY WITHOUT PRIOR WRITTEN AUTHORIZATION FROM THE DEPARTMENT];

**(B) operate a vehicle in excess of 1,500 pounds curb weight on the Rippy Trail, as depicted on the map entitled *Rippy Trail*, dated November 30, 2015 and, adopted by reference; or**

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**(C) operate a motor vehicle on the Jim Lake Overlook Trail, as depicted on the map entitled *Jim Lake Overlook Trail*, dated November 30, 2015 and adopted by reference;**

(4) **except for on the bed of the Knik River located below ordinary high water marks of the Knik River as depicted on the maps entitled *Knik River Public Use Area – High Use Area, Maps 1-4*, dated July 19, 2016 and adopted by reference,** a person may not operate a vehicle in a manner that results in disturbance of wetlands or the organic mat to a depth greater than six inches [WITHOUT PRIOR WRITTEN AUTHORIZATION FROM THE DEPARTMENT]; in this paragraph,

(A) "organic mat" has the meaning given in 11 AAC 95.900;

(B) "wetlands" means those environments characterized by rooted vegetation that is partially submerged either continuously or periodically by surface freshwater with less than 0.5 parts per thousand salt content and not exceeding three meters in depth;

(5) an open fire is subject to the requirements of 11 AAC 95.410 and 11 AAC 95.450; a person may not have an open fire larger than four feet in diameter except on open and non-vegetated areas at least 100 feet from forested land [WITHOUT PRIOR WRITTEN AUTHORIZATION FROM THE DEPARTMENT];

...

(10) a person may not cut, collect, or harvest a dead standing or live tree [WITHOUT PRIOR WRITTEN AUTHORIZATION FROM THE DEPARTMENT]; in this

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paragraph, "tree" means a woody perennial plant with a single, well-defined stem, a definite crown shape, and a diameter at breast height of five inches or greater;

(11) [SUBJECT TO 11 AAC 96.020(a)(5)(E),] **except as specified in (B) of this paragraph,** a person may not

**(A) erect a camp, structure, or facility, whether occupied or unoccupied, for more than 14 consecutive days at one location for private personal use [WITHOUT PRIOR WRITTEN AUTHORIZATION FROM THE DEPARTMENT], and [MUST MOVE]the entire camp, structure, or facility and all equipment must be moved at least two miles away at the end of the 14-day period; moving the use to another location at least two miles away starts a new 14-day period;** a person may not relocate a camp, structure, or facility to a **location** [SITE] within two miles of the initial **location** [SITE] for at least 96 consecutive hours; **or**

**(B) erect a camp, structure, or facility, whether occupied or unoccupied, for more than 7 consecutive days at one location for private personal use in designated Public Use Sites, as depicted on the map entitled *Knik River Public Use Area Public Use Sites*, dated November 30, 2015 and adopted by reference, and the entire camp, structure, or facility and all equipment must be moved at least two miles away at the end of the 7-day period; moving the use to another location at least two miles away starts a new 7-day period; a person may not relocate a camp, structure, or facility to a location within two miles of the initial location for at least 96 consecutive hours;**



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(12) a person may not[, WITHOUT PRIOR WRITTEN AUTHORIZATION FROM THE DEPARTMENT,] discharge a firearm for purposes of target practice at a

(A) target other than one made from wood, paper, clay, or like material; or

(B) tree or other plant, whether live or dead, or at a target affixed to or placed on a tree or other plant;

• • •

(14) [EXCEPT FOR THE PURPOSES OF LAWFUL HUNTING OR TRAPPING,] a person may not discharge a firearm, **except for the purposes of lawful hunting or trapping,** on or within the following [WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE DEPARTMENT]:

(A) **except for within the Kenny and Patti Barber Shooting Range, as depicted on the map entitled Kenny and Patti Barber Shooting Range, adopted by reference in 11 AAC 96.016(b)(5),** within one-quarter mile of the Maude Road extension, Old Glenn Highway, Knik River Road, or the Rippy Trail, as depicted on the department's map entitled Recreational Shooting Restrictions within the KRPUA & Knik River SUA, dated June 30, 2008 and adopted by reference;

(B) within one-quarter mile of the Knik Glacier Trail (RST 17) or the line of ordinary high water of the Knik River west of the north-south township line between Township 16 North, Range 3 East and Township 16 North, Range 4 East, Seward Meridian that corresponds to 148 degrees, 49 minutes, 8.59 seconds west longitude, as depicted on the map entitled Recreational Shooting Restrictions within the KRPUA & Knik River

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SUA, adopted by reference in (A) of this paragraph;

(C) on the bed of the Knik River west of the north-south township line between Township 16 North, Range 3 East and Township 16 North, Range 4 East, Seward Meridian that corresponds to 148 degrees, 49 minutes, 8.59 seconds west longitude, as depicted on the map entitled Recreational Shooting Restrictions within the KRPUA & Knik River SUA, adopted by reference in (A) of this paragraph; in this subparagraph, "bed" means the area within the lines of ordinary high water on each side of the water body;

(D) within one-quarter mile of a developed facility, [UNLESS THE DEVELOPED FACILITY IS SPECIFICALLY DESIGNED FOR THE DISCHARGE OF FIREARMS]; or

**(E) within one-quarter mile of designated Public Use Sites, as depicted on the map entitled *Knik River Public Use Area Public Use Sites*, adopted by reference in 11 AAC 96.016(c)(11)(B);**

...

(16) a person may not construct, develop, improve, widen, brush, or otherwise create a road or trail [WITHOUT PRIOR WRITTEN AUTHORIZATION FROM THE DEPARTMENT]; [AND]

...

**(18) from May 1 through September 30, a person may not**

**(A) engage in activities using motorized vehicles on the water of**

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**Manmade Lake; or**

**(B) operate a vehicle on land at a speed greater than 10 miles per hour within 100 feet of the water of Manmade Lake;**

**(19) from April 15 through August 9, a person may not operate a motorized vehicle that utilizes a motor greater than 10 horsepower on the water of Jim Lake; and**

**(20) a person may not use or occupy the *Kenny and Patti Barber Shooting Range*, as depicted on the map entitled *Kenny and Patti Barber Shooting Range*, adopted by reference in 11 AAC 96.016(b)(5), unless they**

**(A) comply with the permitting requirements of 11 AAC 96.016(b)(5); a person may not apply for a new permit or otherwise use or occupy the shooting range for 72-hour period following the revocation of a permit under 11 AAC 96.016(b)(5)(B);**

**(B) pay the applicable fee required in 11 AAC 05.010, for the use or occupancy of the shooting range for personal or commercial purposes;**

**(C) comply with the following shooting range rules:**

**(i) keep all firearms pointed in a safe direction;**

**(ii) do not touch the trigger of a firearm unless ready to shoot;**

**(iii) keep all unsecured firearms unloaded until ready to use;**

**(iv) act in a safe and orderly manner;**

**(v) use appropriate safety equipment including eye and ear protection;**

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(vi) read and comply with all conditions for use posted at the shooting range;

(vii) engage in shooting only during open shooting times from 10 a.m. to 8 p.m. daily except the shooting range is closed to all shooting every Wednesday and may be closed to all shooting on other days or times designated by department employees and conspicuously posted at the shooting range;

(viii) shooting range users may not use or be under the influence of alcohol, marijuana, or drugs, except for lawful medicines;

(ix) shooting range users may not use or occupy the shooting range if the person's access to the shooting range has been revoked or suspended by the department;

(x) comply with shooting range rules conspicuously posted at the shooting range or upon the Division's public web page; and

(xi) persons using or occupying the shooting range may not have an open bottle, can, or other receptacle containing an alcoholic beverage, as defined in AS 28.35.029(c), when within the shooting range.

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(Eff. 11/9/2008, Register 188, am 12/27/2012, Register 204, am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

<b>Authority:</b>	AS 38.04.200	AS 41.23.030	AS 41.23.160
	AS 38.05.020	AS 41.23.060	AS 41.23.190

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AS 38.05.035	AS 41.23.070	AS 41.23.200
AS 38.05.300	AS 41.23.110	AS 41.23.210
AS 38.05.850	AS 41.23.120	AS 41.23.220
AS 41.23.020	AS 41.23.150	

**Editor's note:** The maps adopted by reference in 11 AAC 96.016 are available at the Department of Natural Resources, Public Information Center, 550 West 7th Avenue, Suite 1260, Robert B. Atwood Building, Anchorage, Alaska, at the Department of Natural Resources, Division of Mining, Land and Water's Director's Office, 550 West 7th Avenue, Suite 1070, Robert B. Atwood Building, Anchorage, Alaska, and on the department's Internet web site at <http://dnr.alaska.gov/mlw/krpua/index.cfm>.